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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 AMBER DOE,

17 Plaintiff,

18 v.

19 MICHAEL LEWIS GOGUEN et al.,

20 Defendants.

Case No. 2:23-cv-02280-MEMF-SK

Hon. Maame Ewusi-Mensah Frimpong

Referral: Hon. Steve Kim

**DEFENDANT MICHAEL LEWIS
GOGUEN'S *EX PARTE*
APPLICATION FOR ORDER
SEALING AMBER DOE'S APRIL
17, 2023 *EX PARTE* TRO
APPLICATION & DECLARATION
[ECF NOS. 13 & 14]**

[[Proposed] Order and Declaration of
Kyle Batter submitted concurrently
herewith]

EX PARTE APPLICATION

TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Local Rule 7-19, Defendant Michael Lewis Goguen, hereby applies *ex parte* for an order sealing Plaintiff Amber Doe’s April 17, 2023 “Notice of Ex-Parte Application and Ex-Parte Application for Temporary Restraining Order and Order To Show Pending Preliminary Injunction Pending Trial” (ECF No. 13) and the accompanying Declaration of Amber Baptiste (ECF No. 14) (together, “The Baptiste TRO Application”). This application is made on the grounds that compelling reasons exists to seal the Baptiste TRO Application under applicable law, including that its contents violate the express terms of an active Civil Harassment Restraining Order issued by the San Mateo Superior Court on March 6, 2023 (the “Restraining Order”). *See* Declaration of Kyle Batter, Exhibit A at 4,7. This is the second application to seal required by Baptiste’s flouting of the Restraining Order. On April 6, 2023, this Court issued an Order provisionally granting Mr. Goguen’s application to seal the complaint on the basis that its contents violated the Restraining Order and further Ordered Mr. Goguen to prepare and docket a redacted version of the Complaint for the public docket. ECF. No. 9. On April 13, 2023, the Court accepted the proposed redactions to the Complaint and granted Mr. Goguen’s application to file the unredacted Complaint under seal. ECF No. 11. The next day the Court ordered Baptiste to show cause why the action should not be dismissed as “frivolous or malicious” and for failure to state a viable cause of action. ECF No. 12 (“Order to Show Cause”). The Order to Show Cause specifically admonished Baptiste that her filing must not “include any sexually explicit or salacious content of any kind, and must not reference (directly or indirectly) statements that are subject to the [Restraining Order].” *Id.*

Like the Complaint, the Baptiste TRO Application contains numerous statements in clear violation of the Restraining Order. As this Court has recognized through its previous orders, the presumption of public access attached to a pleading

1 is overridden where, as here, the “files might have become a vehicle for improper
2 purposes,” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978), or are used to
3 “promote public scandal, circulate libelous statements, or release trade secrets,”
4 *Johnson v. Cnty of San Bernardino*, No. EDCV 18-1121-GW-AFMX, 2021 WL
5 9720772, at *1 (C.D. Cal. Mar. 30, 2021) (quoting *Kamakana v. City & Cnty. of*
6 *Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)).

7 Counsel contacted Baptiste regarding her violations of the Restraining Order,
8 informed her that the Baptiste TRO Application constitutes a violation, and provided
9 notice of this *ex parte* application pursuant to Local Rule 7-19, using the email address
10 listed on the Complaint. Baptiste has not responded as of the time of filing, but
11 presumably opposes. *See* Declaration of Kyle Batter, ¶ 4 & Ex. B.

12
13 DATED: April 18, 2023

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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16 By /s/ Diane M. Doolittle
17 *Attorneys for Defendant Michael Lewis*
18 *Goguen*
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **PRELIMINARY STATEMENT**

3 The legal and factual issues presented by this application are the very same as
 4 those set forth in Mr. Goguen’s *ex parte* application to seal the Complaint (ECF No.
 5 5), which was granted by this Court. *See* ECF Nos. 9 & 11. Here, again, Baptiste’s
 6 papers constitute a clear violation of the March 6, 2023 Civil Harassment Restraining
 7 Order issued by the Superior Court of California, San Mateo County (the “Restraining
 8 Order”), which enjoins Baptiste from repeating “false and defamatory statements,
 9 under her own name or under any pseudonym” that she had previously made against
 10 Mr. Goguen.¹ Like the Complaint, the Baptiste TRO Application is deficient on
 11 numerous grounds and, whether by motion or *sua sponte* action from the Court, is
 12 likely be denied in due course. Indeed, Baptiste has already been ordered to show
 13 cause why the case should not be dismissed. ECF. No. 12. Baptiste’s continuing
 14 attempts to use of this Court’s public docket to broadcast salacious, false, defamatory,
 15 and debunked allegations will cause, and is causing, irreparable harm to Mr. Goguen.
 16 An Order sealing the Baptiste TRO Application will alleviate that harm and is
 17 supported by “compelling reasons.” “Compelling reasons to seal are generally found
 18 where documents, if made part of the public record, ‘might ... become a vehicle for
 19 improper purposes.’” *Cat Coven LLC v. Shein Fashion Grp., Inc.* No. 2:19-cv-07967-
 20 PSG-GJS, 2019 WL 10856813, at *1 (C.D. Cal. Dec. 20, 2019) (quoting *Nixon v.*
 21 *Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). Baptiste’s continuing violation
 22 of the Restraining Order remains an “improper purpose” justifying relief.

23 **BACKGROUND**

24 For efficiency before this Court and out of respect for judicial resources, Mr.
 25 Goguen incorporates the factual background leading up to the issuance of the
 26

27 _____
 28 ¹ A copy of the Restraining Order is attached as Exhibit A to the Declaration of Kyle
 Batter (“Batter Declaration”), filed concurrently herewith.

1 Restraining Order from his April 5, 2023 filing. *See* ECF No. 5 at 2-4. On March 28,
 2 2023 Baptiste filed her Complaint. ECF No. 1. Because the contents of the Complaint
 3 contained numerous violations of the Restraining Order, Mr. Goguen requested that
 4 it be placed under seal and this Court granted that request. *See* ECF Nos. 5, 9 & 11.
 5 On April 14, 2023, the Court issued the Order to Show Cause. ECF No. 12. On
 6 Monday, April 17, 2023, Baptiste filed the Baptiste TRO Application on this Court’s
 7 public docket. ECF No. 13 (TRO Application) & ECF No. 14 (Declaration of Amber
 8 Baptiste).

9 ARGUMENT

10 Notwithstanding a general presumption of public access to judicial filings, it is
 11 “uncontested . . . that the right to inspect and copy judicial records is not absolute.”
 12 *Nixon*, 435 U.S. at 598. Rather, “[e]very court has supervisory power over its own
 13 records and files, and access has been denied where court files might have become a
 14 vehicle for improper purposes,” including filings “used to gratify spite or promote
 15 public scandal.” *Id.* (internal citations omitted). This authority follows from the
 16 bedrock principle that “certain implied powers must necessarily result in our Courts
 17 of justice from the nature of their institution.” *Chambers v. NASCO, Inc.*, 501 U.S.
 18 32, 43 (1991) (internal citations omitted). A “party satisfies its burden for sealing
 19 documents ... when the party presents compelling reasons supported by specific
 20 factual findings.” *Cat Coven LLC*, 2019 WL 10856813, at *1 (internal citations
 21 omitted). Compelling reasons “are generally found where documents, if made part of
 22 the public record, ‘*might ... become a vehicle for improper purposes,*’” *Id.* (quoting
 23 *Nixon*, 435 U.S. at 598 (emphasis added)), or where the documents would “promote
 24 public scandal, *circulate libelous statements*, or release trade secrets,” *Johnson v.*
 25 *Cnty of San Bernardino*, No. EDCV 18-1121-GW-AFMX, 2021 WL 9720772, at *1
 26 (C.D. Cal. Mar. 30, 2021) (quoting *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d
 27 1172, 1179 (9th Cir. 2006) (emphasis added)). A court must “articulate the factual
 28 basis for its ruling, without relying on hypothesis or conjecture,” but the decision on

whether to seal remains “one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.” *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995) (internal citations omitted).

Like the Complaint, the Baptiste TRO Application contains a host of statements which violate the Restraining Order.

- Whereas the Restraining Order prohibits Baptiste from asserting that Mr. Goguen “raped, sodomized, or abused Baptiste or any other women,” (Ex. A, at 8) the Baptiste TRO Application asserts that: he “has thousands of girls and women transported around the world for the purposes of rape, commercial sex acts, sexual abuse” (ECF No. 13 at 11); he “has caused severe and irreparable injury to Ambers body on multiple occasions” (*id.*); he “raped [Baptiste] in a hotel in London, England in 2012)” (*id.* at 16), and; he is “a serial rapist pedophile human trafficker who routinely rapes abuses and exploits girls and women” (ECF No. 14 at 146.).
- Whereas the Restraining Order prohibits Baptiste from asserting that Mr. Goguen “engaged in human trafficking, sex trafficking, sex slavery, or child sex tourism,” (Ex. A, at 8) the Baptiste TRO Application asserts that: “The Gang and Michael L. Goguen ... were the original traffickers” (ECF No. 13 at 7); “Goguen[,] a Sex trafficker by the very definition[,] has thousands of girls and women transported around the world for the purposes of rape, commercial sex acts, sexual abuse and intentionally inflicts his slaves with his STDs” (*id.* at 11) “Michael Goguen is a SEX TRAFFICKER” (*id.* at 12) and; “Amber is currently being trafficked and stalked by all of Goguens lawyers agents and associates” (*id.* at 21).
- Whereas the Restraining Order prohibits Baptiste from asserting that Mr. Goguen “committed or solicited murder,” (Ex. A, at 8) the Complaint

1 asserts that: “Michael Goguen solicited Matthew Marshall first for
 2 Amber’s murder” (ECF No. 13 at 40); Goguen has “tried multiple times
 3 to get me alone for examinations and to bring ‘discovery’ by my myself
 4 to Quinn Emanuel offices while Michael Goguen has solicited my
 5 murder her had two companied that manufacture weapons of mass
 6 destruction” (*id.* at 101), and; “[t]he stalking and solicitation of Plaintiffs
 7 murder will only stop with a Permanent Life Long Restraining order
 8 [Goguen], his agents, henchmen, colleagues, lawyers, Investigators and
 9 accountants have proven time and time again that will stop their criminal
 10 activity only when plaintiff is dead” (*id.* at 4).

- 11 • Whereas the Restraining Order prohibits Baptiste from asserting that Mr.
 12 Goguen “bribed the court, attorneys or law enforcement,” (Ex. A, at 8)
 13 the Baptiste TRO Application asserts that: “Hon. Danny Chao was
 14 bribed and tampered with by Goguen and Quinn Emanuel” (ECF No. 13
 15 at 98); “Michael Goguen believes he can just pay and make every crime
 16 co commits be covered up by government authorities” (*id.* at 20), and; “I
 17 do not know how much bribe money has been paid by Goguen ... to
 18 witnesses” (*id.* at 44).
- 19 • And, whereas the Restraining Order prohibits Baptiste from asserting
 20 that Mr. Goguen “tampered with evidence to hide his crimes,” (Ex. A, at
 21 8) the Complaint Asserts that: “Amber does not know why Michael
 22 Goguen and his agents are tampering with Terrorism lists and US
 23 immigration the CIA the FBI and the Police” (ECF No. 13 at 31-32).

24 Again, for the avoidance of any doubt, all of these claims are false. But what
 25 matters for purposes of this application to seal is that they are improper, libelous, and
 26 prohibited by the Restraining Order. Sealing the Baptiste TRO Application is
 27 necessary to prevent Baptiste from using the power of this Court’s public docket to
 28 spread incendiary claims that have already been determined to be false and

1 defamatory. Sealing the Baptiste TRO Application (like sealing the Complaint) does
 2 not prevent Baptiste from petitioning the Court for relief; it simply removes Baptiste’s
 3 false and defamatory statements from the public docket while the Court assesses the
 4 filings on their (lacking) merits. And here, the lack of merit is clear. While Baptiste
 5 styles her application as one for a temporary restraining order, it simply re-states
 6 positions from her Complaint and makes no effort to show why any of the factors for
 7 a temporary restraining order or preliminary injunction are satisfied. *See Pineda-*
 8 *Zelaya v. Mank*, No. 522CV01917MCSAFM, 2022 WL 19076801, at *1 (C.D. Cal.
 9 Nov. 1, 2022) (denying *pro se* request for temporary restraining order where movant
 10 “offers virtually no showing probative of any of the *Winter* factors”); *Winter v. Nat.*
 11 *Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (“A plaintiff seeking a preliminary
 12 injunction must establish that he is likely to succeed on the merits, that he is likely to
 13 suffer irreparable harm in the absence of preliminary relief, that the balance of equities
 14 tips in his favor, and that an injunction is in the public interest.”). At minimum,
 15 preventing Baptiste from openly flouting the Restraining Order with such claims
 16 constitutes a “compelling reason” to seal. *See Johnson*, 2021 WL 9720772, at *1;
 17 *Kamakana* 447 F.3d at 1179; *Cat Coven LLC*, 2019 WL 10856813, at *1; *Nixon*, 435
 18 U.S. at 598.

19 CONCLUSION

20 For the foregoing reasons, Mr. Goguen respectfully requests that the Court
 21 grant this *ex parte* application and direct the Clerk of Court to seal ECF No. 13 (TRO
 22 Application) and ECF No. 14 (Declaration of Amber Baptiste). Mr. Goguen
 23 respectfully requests that the Court issue an interim Order sealing the Baptiste TRO
 24 Application in its entirety and affording Mr. Goguen an opportunity to provide
 25 redactions consistent with the Restraining Order—the same protocol adopted by this
 26 Court in response to the application to seal the Complaint.

1 DATED: April 18, 2023

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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4 By: /s/ Diane M. Doolittle

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